

### **REMARKS**

Claims 3, 4, 11, 12 and 18 have been canceled. Thus, Claims 1, 2, 5-10, 13-17 and 19-21 remain pending in the application. Claims 1, 5, 9, 13 and 17 have been amended. Claim 1 has been amended to incorporate the subject matter of Claims 3 and 4. Claim 9 has been amended to incorporate the subject matter of Claims 11 and 12. Claim 18 has been amended to incorporate the subject matter of Claim 18. Claims 5 and 13 have been amended merely to provide proper claim dependency due to the cancellation of Claims 3 and 11. Applicant respectfully requests favorable reconsideration of the claims in view of the following remarks.

Claims 1-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Abramov et al. (U.S. Patent No. 6,486,832 B1) in view of Regnier et al. (U.S. Patent Application Number 2003/0222818). Applicants respectfully submit that these rejections are overcome for the following exemplary reasons.

Applicant respectfully submits that the combination of Abramov et al. and Regnier et al., alone or in combination, does not disclose or suggest “*based upon estimates of the relative physical positions of the plurality of WAPs, determining a physical repositioning of the at least one of the plurality of WAPs that will remedy the deficiency,*” as claimed in amended independent Claim 1, and similarly claimed in amended independent Claims 9 and 17.

Applicant respectfully disagrees with the Examiner’s statement on page 8 of the Detailed Action that Regnier teaches the above-listed feature. The cited passages of Regnier merely describe a method for achieving the optimal antenna directional angle of an antenna apparatus of a mobile station. In particular, paragraph 37 of Regnier describes the placement or positioning of antenna elements on a housing of the antenna apparatus of the mobile station, while paragraph 42 describes a method for determining the optimum weight controls to be applied to each antenna element to fine tune the antenna beam pattern produced by the antenna apparatus.

However, there is no mention or suggestion in the cited passages or elsewhere within Regnier that “*estimates of the relative physical positions of the plurality of WAPs*” are used to “*determining a physical repositioning of the at least one of the plurality of WAPs that will remedy the deficiency,*” as claimed in the present invention. In fact, there is no mention or suggestion in Regnier of a physical repositioning of any kind of a base station or other similar

device, such as a wireless access point. The positioning of antenna elements on a mobile station, as described in paragraph 38 of Regnier, cannot be said to read on a physical repositioning of a wireless access point. However, even if, for arguments sake, physical positioning (or placement) of antenna elements on a mobile station does read on physical positioning of a wireless access point, there is no discussion or suggestion in Regnier that the antenna elements are subsequently re-positioned, or that such a repositioning would be based on estimates of the relative physical positions of the antenna elements.

For at least these reasons, Applicant respectfully submits that Claims 1, 2, 5-10, 13-17 and 19-21 are not obvious over the prior art of record. Accordingly, Applicant respectfully requests that the Examiner withdraw the § 103 rejection of Claims 1, 2, 5-10, 13-17 and 19-21.

**CONCLUSION**

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (Ref. BP2488.2).

Respectfully submitted,

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/Holly L. Rudnick/Reg. No. 43,065  
Holly L. Rudnick  
Attorney for Applicant

**Garlick Harrison & Markison**  
P.O. Box 160727  
Austin, TX 78716-0727  
(214) 387-8097/office  
(214) 387-7949/facsimile